

4.F 76/2:R 3414
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95th Congress }
2d Session }

COMMITTEE PRINT



A RHODESIAN SETTLEMENT?
ANALYSIS OF AN AGREEMENT SIGNED BY PRIME
MINISTER IAN SMITH OF RHODESIA, THE
REV. NDABANINGI SITHOLE, BISHOP ABEL
MUZOREWA, AND SENATOR JERIMIAH CHIRAU
ON MARCH 3, 1978

A STAFF REPORT

TO THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



JUNE 1978

Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE

28-349

WASHINGTON : 1978

For sale by the Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402

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FOREWORD

This analysis of the Rhodesian internal agreement was made at the request of Senator Dick Clark, Chairman of the Subcommittee on African Affairs of the Foreign Relations Committee. It consists of a study of the provisions of the Rhodesian agreement signed on March 3, 1978, focusing on the strengths and weaknesses of the accord, the role of black public opinion, the kinds of decisions the settlement presents for the international community, and its significance for U.S. foreign policy.

This study should not be regarded as reflecting the views of the Senate Foreign Relations Committee or any of its members. The committee feels, however, that the study may contribute to public consideration of the Rhodesian issue and be useful to the larger review of U.S. foreign policy in Africa.

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BACKGROUND

Following three months of negotiations, Prime Minister Ian Smith and three of the five black nationalist leaders of Rhodesia reached an accord on March 3, 1978, heralded by its signatories as an "end to white rule." There have been eight previous attempts to negotiate a peaceful solution to the Rhodesian conflict, some involving Great Britain, South Africa and the United States. All have been unsuccessful.

The impetus leading up to the March agreement, often referred to as the "internal settlement," came from the worsening economic and military situation within Rhodesia. The 6-year-old war, now costing approximately one million Rhodesian dollars a day, has taken an estimated nine thousand lives, not including the casualties from raids by the Rhodesian security forces into neighboring states. International sanctions were imposed a year after Prime Minister Ian Smith declared a universal declaration of independence (UDI) from Great Britain in 1965. After 12 years, the Rhodesian economy has finally begun to reveal the crippling effect of these sanctions. Soaring white emigration and heightened military activities, including the presence of some five thousand guerrillas within the territory, provided further evidence of the rapidly deteriorating situation.

Prime Minister Smith and the three black signatories to the internal agreement maintain that they have reached a formula which can be made to work without the participation of the Patriotic Front, represented by the two external guerrilla leaders, Joshua Nkomo and Robert Mugabe, who reject the internal settlement.

Despite their deep disagreements over the process of reaching majority rule, all the nationalist leaders with the exception of Senator Jeremiah Chirau, a member of the Rhodesian Parliament with some support among the traditional chiefs, have interconnecting ties which once made them allies in the struggle against white domination. Joshua Nkomo, leader of the Zimbabwe African People Union (ZAPU), is the oldest of the nationalists who spent 11 years in prison. Although expanding his Zambia-based army, he has negotiated more often, frequently offering more generous terms, than any of the others, and is believed to have the widest degree of diplomatic support in the international community. Robert Mugabe, head of the Mozambique-based guerrilla army that has been in the forefront of fighting, is affiliated with the Zimbabwe African National Union (ZANU), whose first president was the Reverend Ndabaningi Sithole, now a signatory to the internal agreement. Several years ago, Sithole was convicted of the charge of attempting to assassinate Prime Minister Ian Smith. Following allegations of his collaboration with the Rhodesian security forces after his conviction, Sithole was expelled from ZANU while he

was in detention. Mugabe succeeded him as president of the organization and currently claims to control the bulk of the guerrilla forces.

Bishop Abel Muzorewa is said to have the largest popular following within the country. A relative newcomer to the political scene, he is the only one of the four top leaders not to have served time in prison. He was recruited into the leadership of the nationalist movement in 1973 when Nkomo and Mugabe, both then incarcerated, agreed to allow him to head the African National Council (ANC), a newly formed umbrella organization to present a united front against white majority rule. The ANC became one of the primary guerrilla recruiting organs within Rhodesia, with Muzorewa encouraging black youths to join the liberation armies based outside the country. Those armies now represent the greatest challenge to the agreement which, if fully implemented, is likely to make Muzorewa the first black prime minister of Zimbabwe, the nationalists' name for Rhodesia.

Despite the rift that has occurred among these leaders, Muzorewa and Sithole maintain that together they will be able to persuade the guerrillas to lay down their arms and participate in elections envisioned under the internal agreement. Speaking for the Patriotic Front, Nkomo and Mugabe maintain that they control the guerrillas and deserve a central role in a transition government since they established the conditions which drove Smith to accept the principle of majority rule. Whatever the merits of the rival claims, it is clear that no cease-fire is possible without the cooperation of whoever controls the guerrilla armies. A crucial test of the success of the internal agreement which claims that one of its objectives is "the cessation of the armed conflict," will be whether the signatories to the pact can in fact get the guerrillas to accept the amnesty they offer.

Most African states, and particularly the five Front Line states—Tanzania, Mozambique, Zambia, Botswana and Angola—reject the internal settlement on the grounds that it excludes two of the major nationalist leaders, does not represent a genuine transfer of power, and is likely to escalate the war. The United Nations Security Council passed a resolution likewise condemning the internal settlement, although the United States and four other western members abstained.

Opinion in the west is divided. The Carter Administration feels the internal settlement fails to reconcile the contending groups and that, in excluding the current guerrilla leaders, it is bound to lead to heightened hostilities and, eventually, to foreign intervention. Others hold that any formula, however imperfect, which provides a framework that will eventually lead to majority rule in Rhodesia is worth supporting, particularly if it represents a moderate solution with little disruption to the Rhodesian economy. These differing views boil down to contrasting estimates of (1) the popularity of the nationalists involved, (2) perceptions of their ideological affinities, and (3) the degree to which these leaders are seen to favor western interests and are capable of achieving a stable, representative government.

Congressional interest in the Rhodesian issue reaches back to the 1971 Byrd Amendment which allowed importation of Rhodesian chrome in violation of U.N. sanctions. The Byrd Amendment was repealed in March 1977—one year before the internal agreement was signed. The interest of Congress in the Rhodesian issue was also evidenced in its response to the Carter Administration's request in

1977 for a \$100 million authorization for a multidonor Zimbabwe Development Fund, part of a newly developed set of proposals known as the Anglo-American plan. Although the Senate Foreign Relations Committee turned down the Administration's authorization request, the Fiscal Year 1978 Foreign Assistance Act set forth the principles governing congressional support of U.S. assistance to Zimbabwe:

It is the sense of the Congress that the United States should support an internationally recognized constitutional settlement of the Rhodesian conflict leading promptly to majority rule based upon democratic principles and upholding basic human rights. The Congress declares its intent to support United States participation in a Zimbabwe Development Fund. The Congress intends to authorize the necessary appropriation when progress toward such an internationally recognized settlement would permit establishment of the Fund.

During his historic three-day visit to Africa in March and April 1978, President Carter focused on Rhodesia as a key issue in his discussions with Nigerian officials. He stated that the United States "now will move as quickly as possible to call together the parties who are in dispute in Zimbabwe," under the framework of the Anglo-American plan. In a joint communique signed by President Carter and Lt. Gen. Olusegun Obasango, the Nigerian head of state, the two leaders agreed that Rhodesia's internal settlement "does not change the illegal character of the present regime and is unacceptable as it does not guarantee a genuine transfer of power to the majority."

Rhodesia presents the United States with a pivotal test of its African foreign policy. If the United States supports the existing internal settlement, many important African nations will tend to look upon this action as being, in effect, support for white regimes. They will regard it as a reversal by the United States of its stated commitment to genuine majority rule. On the other hand, if the United States supports the Patriotic Front, many domestic observers will interpret this as appeasement of Soviet-backed guerrillas and a failure to support a moderate solution.

The internal agreement should not, however, be seen exclusively as an instrument for determining *who* to support. It is equally, if not more important, to look at the agreement as a means of assessing *what* to support—the political principles, power structure, and institutional arrangements actually involved. It is from this perspective that the following analysis is made. It examines the strengths and weaknesses of the internal settlement, reviews the policy questions facing the international community and assesses the criteria upon which these questions are based.

STRENGTHS OF THE RHODESIAN AGREEMENT

There are essentially five strong points in the agreement. The first and most important is the provision for a universal franchise. The agreement states that "there will be a common voter's role, with all citizens of eighteen years and over being eligible for registration as voters." Never before has Prime Minister Ian Smith conceded universal suffrage, giving all citizens, regardless of color, the right to vote.

A second strength contained within the agreement is the establishment of a date for independence day—December 31, 1978. This target date for independence is the last provision in the Rhodesian agreement. Although not specifically stated, one is led to assume from the agreement that independence day will follow the holding of elections, the writing of a constitution, and numerous other tasks to be completed by the transition government. If the tasks laid out in the agreement are completed by the date of independence, the process will result in blacks holding the majority of seats in the next parliament.

This leads to the third element in the agreement—the broad responsibilities of the transitional government. Their specific tasks include:

- drafting and enacting a new constitution
- conducting voter registration and elections
- arranging a cease-fire
- deciding upon the composition of future military forces
- releasing detainees
- reviewing the sentences for offenses of a political character
- removing discrimination

According to the agreement, the transitional government which is to complete these tasks is structured as a two-tier system. The first tier is an Executive Council composed of Prime Minister Ian Smith and the three black nationalists who signed the agreement, the highest executive body during the interim period. The second tier consists of a ministerial council composed of an equal number of black and white ministers. The ministerial council will operate on the basis of a cabinet system and for each portfolio, or group of portfolios, there will be a black and white minister who will share responsibility. The existing Rhodesian Parliament will, however, continue to operate during the life of the transitional government in six functional areas. Five of those areas relate to the implementation of the agreement (e.g., enacting legislation to enable unelected ministers to serve in the transitional government, to permit voter registration, to pass the 1978-79 budget, etc.). One function, however, goes beyond this to empower the Parliament “to enact any legislation or deal with any other matter brought forward by the transitional government.” Although not stated explicitly, the agreement suggests that the tasks of the transitional government are to be completed within the nine month period from the time of the signing of the agreement in March until the date of independence in December.

A fourth noteworthy—albeit highly controversial—point in the agreement concerns protection of minority rights. White interests are preserved essentially in two ways: (1) through guaranteed seats in the legislature (28 out of 100) for at least a decade, and (2) a bill of rights which provides for protection of certain rights and privileges—private property, pension rights, the independence of the judiciary, security of tenure of existing judges, security of tenure of existing public servants, and freedom “from political interference” for the public service, police, defense, and prison services. These protections are to be incorporated in the constitution as “entrenched provisions” which may only be amended by a bill which receives not less than 78 votes (all 72 black votes plus at least 6 white votes).

The fifth strength of the agreement provides that the white members of the legislative assembly "will be prohibited from forming a coalition with any single minority party for the purpose of forming a government." Thus, although white Rhodesians representing only 4 percent of the total population will be guaranteed 28 percent of the seats in the legislature, they are prohibited from forming a post-independence government with a minority black party.

WEAKNESSES OF THE RHODESIAN AGREEMENT

Probably the greatest single weakness of the agreement is its pervasive ambiguity. Although the interim government is charged with a broad series of tasks leading to a new government, the sequence of events leading up to post-independent majority rule is unclear. Nowhere is it stated, for example, that the new constitution must be enacted prior to independence. What happens if the time-consuming tasks assigned to the transitional government—voter registration, elections, constitution, cease-fire, etc.—are not completed in the nine months allotted? Will independence be declared on December 31 in any event? Would the transition government remain in power beyond independence day? What, then, will independence signify?

Another ambiguity concerns the procedures for elections. The agreement provides that it is the duty of the transitional government to determine and deal with the procedures for the registration of voters "with a view to the holding of a general election at the earliest possible date." No specific date is set for elections. Nor is it clear that elections are to take place after a constitution is drafted—surely a precondition if those elections are to be read as a test of internal black public opinion on the new political arrangements.

Another ambiguity relates to the decisionmaking process of the transitional government. No guidance is provided in the agreement indicating which of the two ministers—the black or the white—in each department has superior authority in the event of a conflict. Moreover, there is jurisdictional confusion inherent in the structure. The ministerial council is given responsibility "for initiating legislation and for supervising the preparation of such legislation as may be directed by the executive council." Yet, the existing Rhodesian Parliament also is empowered "to enact any legislation or deal with any other matter brought forward by the transitional government." It is difficult from these two contradictory provisions to determine where actual legislative authority lies. It appears, however, that the ministerial council may only initiate and prepare legislation, while the existing Rhodesian Parliament is the sole authority for enacting legislation.

Another critical weakness of the Rhodesian agreement regards the built-in veto by whites at every level of pre- and post-independence government. The four-man executive council during the interim period provides for a one-man veto by any of its members. Although the ministerial council is composed of an equal number of black and white ministers, decisions are taken by majority vote and subject to review by the executive council. The existing Rhodesian Parliament has

broad authority to review any matter brought forward by the transitional government, thereby giving it (or the controlling Rhodesian Front Party) the power to approve or disapprove of any contemplated change. After independence, white members in the legislature will constitute a solid blocking vote over key constitutional amendments.

The white Rhodesian Front Party is guaranteed a political role for a minimum of 10 years, or the life of two parliaments, whichever is the longest. Of the 28 reserved white seats in the legislative assembly, 8 will be elected from among 16 candidates nominated by an electoral college composed of the white members of the present House of Assembly and, in the case of subsequent parliaments, by the whites who are members of future parliaments. With racial representation severely imbalanced—4 percent of the population having 28 percent control of the legislature and the other 96 percent of the population having 72 percent control—the Rhodesian Front will exercise a degree of power far in excess of the proportion of constituents it represents.

In addition, at the end of the ten-year period, there is no automatic provision for the abolition of white political privilege. What is provided for at the end of the ten years is the appointment of a commission, the chairman of which shall be a judge of the high court—presumably a white judge since security of tenure of existing judges is guaranteed in the agreement. If the commission recommends that the arrangement regarding reserved seats for whites should be changed, a bill to propose such a change may be introduced. (This is the only one of the entrenched provisions which provides for a constitutional amendment with less than 78 votes. A bill to amend white reserved seats in the legislature requires only 51 votes to pass.) Significantly, however, at such time that such a bill is passed, the other 72 seats in the parliament may not be reserved for blacks. In other words, only at this point will blacks and whites have an equal opportunity to contest any seat in the new Zimbabwe Parliament.

Another critical weakness relates to the all-important franchise. Although this agreement provides for universal adult suffrage, it is not an equal franchise providing for one man, one vote. First, the 28 reserved seats for whites gives disproportionate voting power to the whites (who after independence will probably represent less than the current 4 percent of the total population). Second, for the white candidates there will be a separate voting role for white voters. Collectively, these provisions mean that every white vote will be worth approximately ten times as much as every black vote. Furthermore, there is a double standard: for blacks, it will be the principle of "one man, one vote;" but for whites, it will be the principle of "one man, two votes"—one for the 72 seats in the legislative assembly reserved for blacks (elected on a common voters roll), and one for the 28 seats in the legislative assembly reserved for whites (elected by the white voters).

A final fundamental weakness in the agreement is that in protecting minority rights, the entrenched provisions, in effect, assure that all the instruments of state power remain in white hands for at least a decade. The civil service, the police, the army, and the judiciary all stay intact, despite what the new post-independence government may wish to change. These institutions are constitutionally guaranteed

for maintenance of the status quo, and any effort to change the situation can be blocked by the whites whose seats are reserved in the legislature. The presence of Prime Minister Ian Smith during the transitional government, combined with the continuation of the state instruments of control in the hands of the whites, give credence to the impression that the underlying Rhodesian power structure will be protected for the foreseeable future.

TESTING BLACK OPINION

The New York Times described the Rhodesian agreement as "little more than a device for keeping real power in the hands of Rhodesia's small white minority. . . ." (March 5, 1978.) The Economist commented that "no real power is to pass into black hands during the interim period." (March 11, 1978.) It may be argued, however, that even if the transfer of power is more ephemeral than real, this agreement may be worthy of support if it can be demonstrated through some means of testing black opinion that it commands the loyalty and endorsement of a majority of the population. If Rhodesians accept considerable white control for at least ten years, then, as the New York Times stated, "the choice must still be respected as theirs to make." (March 20, 1978.)

A referendum (currently contemplated for the white population only), or elections held after the new constitution is drafted but prior to independence, would provide a means of testing internal black opinion. The results of an election will partly depend upon the ability of the transition government, and particularly the black leaders who participate in that government, to demonstrate during the interim period that the internal settlement is the beginning of an end to white domination.

However, it will be difficult for the black leaders to press for the necessary changes as long as the Rhodesian Front Party, which is unlikely to legislate those changes, retains control over the Parliament, as provided for in the agreement. Indeed, if the internal black leaders fail to deliver, or if they are made to look powerless in reducing hostilities, their existing basis of support might erode.

Another difficulty surrounding the elections is the war itself. Continuation of the conflict will inevitably give rise to charges of intimidation. Most of the voting would have to take place within the government-controlled "protected villages" (defensive encampments built by the Rhodesian authorities for resettling the black rural population that are similar to the strategic hamlets created during the war in Indochina). Probably the bulk of the black rural population in Rhodesia will therefore be voting for the first time in their lives under the watchful eye of the Rhodesian security forces and in the midst of widening hostilities that could escalate into a conflict inviting foreign intervention.

RECOGNITION OR REJECTION?

For the United States and other outside powers, two decisions have to be made with regard to the internal agreement. First, the decision has to be made as to whether or not the settlement deserves diplo-

matic recognition at such time that a new government is installed. Second, the internal agreement presents the international community with the decision of whether or not the situation merits the lifting of economic sanctions.

If one looks at the agreement alone, there is little basis for diplomatic recognition or the ending of sanctions. The agreement does not ensure the "end of white rule." Nor does it facilitate majority rule based on one man, one vote. Instead, it offers a formula for at least ten years of qualified multiracial rule in which there would exist a black majority in Parliament, but a central white power block with the ability to prevent fundamental change altering the political and economic structure of the Rhodesian society. Land tenure, the judiciary, the public service, police, and defense forces are the essential institutions preserving the status quo. In addition, the agreement provides for a disproportionate voting system in favor of the whites that is also to remain in force for a period of at least ten years.

Considerable attention has been given to a discussion of the criteria to use in deciding whether diplomatic recognition and the lifting of sanctions is justified. The most often cited criterion is internal popular support of the agreement which may be measured by (1) the ending of the war (i.e., if the bulk of the guerrillas accept an amnesty), or (2) a referendum or election. Until either or both of these events take place, there is no concrete evidence that the black majority in Rhodesia broadly accepts the provisions of the agreement.

Another criterion suggested for international recognition is expediency. Some observers argue that the internal agreement offers an alternative to the existing violence—a way to stop the fighting—and on that basis it deserves international endorsement. This is a debatable point. The agreement may do precisely the opposite, namely, polarize the situation and drive the Patriotic Front into seeking additional Soviet and Cuban assistance. Intelligence reports and western journalists have already confirmed that guerrilla recruitment and weapons deliveries have substantially increased since the signing of the March accord.

Another rationale often suggested for recognizing the agreement is that it would strengthen moderate forces in Africa. The contrary has, thus far, been true. Most African countries, including moderate regimes such as Malawi, Kenya and Nigeria, have rejected the agreement outright. Not a single African state has publicly indicated it might accept the existing internal agreement, despite claims to that effect by some of the Rhodesian leaders.

The final and perhaps the most critical point to U.S. policy makers concerns a broader U.S. security interest in Africa—the threat of possible Soviet or Cuban intervention. The Rhodesian settlement seems to offer an opportunity for the United States to back a multiracial, pro-western government without spending a penny or firing a shot. On the surface, this option seems highly attractive, especially when compared to the relatively narrow options the United States had available in the conflicts in the Horn and Angola.

In reality, support of the internal agreement as it stands today is almost certain to damage U.S. policy in Africa. Among other things, it would put the United States on the same side as the white regimes,

and portray Americans as being more interested in challenging Russia than in supporting a legitimate struggle for self-determination. Many Africans would conclude that the West is abandoning its diplomatic efforts to promote its own Anglo-American plan which seeks to include the participation of all nationalist leaders in free elections based on one man, one vote. Support of the internal agreement on the basis of countering Soviet-backed forces would be interpreted by many African states, including the Front Line countries and Nigeria, as a violation of our own stated principles. In their view, the credibility of the United States as a great power which is genuinely committed to the elimination of racism, the promotion of human rights, and the implementation of majority rule is being put to the test. If the United States fails that test, Soviet and Cuban forces would be seen to be the champions of African liberation. Rather than resist foreign intervention, western recognition of the internal agreement might be the turning point leading to global confrontation.

APPENDIX

TEXT OF RHODESIAN AGREEMENT PREPARING THE WAY FOR MAJORITY RULE

SALISBURY, Rhodesia, March 3 (AP)—Following is the text of an agreement signed today by Prime Minister Ian A. Smith of Rhodesia, the Rev. Ndabaningi Sithole, Bishop Abel Muzorewa and Senator Jeremiah Chirau:

WHEREAS the present constitutional situation in Rhodesia has led to the imposition of economic and other sanctions by the international community against Rhodesia and to armed conflict within Rhodesia and from neighboring territories;

AND WHEREAS it is necessary in the interests of our country that an agreement should be reached that would lead to the termination of such sanctions and the cessation of the armed conflict;

AND WHEREAS, in an endeavor to reach such an agreement, delegates from the Rhodesian Government, African National Council (Sithole), United African National Council and Zimbabwe United People's Organization have met during the last two months in Salisbury and, having discussed fully the proposals put forward by the various delegations, have reached agreement on certain fundamental principles to be embodied in a new constitution that will lead to the termination of the aforementioned sanctions and the cessation of the armed conflict.

Now, THEREFORE:

A.

It is hereby agreed that a constitution will be drafted and enacted which will provide for majority rule on the basis of universal adult suffrage on the following terms:

[1]

There will be a legislative assembly consisting of 100 members and the following provisions will apply thereto:

(a) There will be a common voters' roll, with all citizens of 18 years and over being eligible for registration as voters, subject to certain recognized disqualifications.

(b) 72 of the seats in the legislative assembly will be reserved for blacks who will be elected by voters who are enrolled on the common roll.

(c) 28 of the seats in the legislative assembly will be reserved for whites (i.e., Europeans as defined in the 1969 Constitution) who will be elected as follows:

(i.) 20 will be elected on a preferential voting system by white voters who are enrolled on the common roll.

(ii.) Eight will be elected by voters who are enrolled on the common roll from 16 candidates who will be nominated, in the case of the first parliament, by an electoral college composed of the white members of the present House of Assembly and, in the case of any subsequent parliament, by an electoral college composed of the 28 whites who are members of the parliament dissolved immediately prior to the general election.

(d) The reserved seats referred to in (c) above shall be retained for a period of at least 10 years or of two parliaments, whichever is the longer and shall be reviewed at the expiration of that period, at which time a commission shall be appointed, the chairman of which shall be a judge of the High Court, to undertake this review. If that commission recommends that the arrangements regarding the said reserved seats should be changed:

(i.) An amendment to the constitution to effect such change may be made by a bill which receives the affirmative votes of not less than 51 members.

(ii.) The said bill shall also provide that the 72 seats referred to in (b) above shall not be reserved for blacks.

(e) The members filling the seats referred to in (c) above will be prohibited from forming a coalition with any single minority party for the purpose of forming a government.

[2]

There will be a just declaration of rights which will protect the rights and freedoms of individuals and, *inter alia*, will provide for protection from deprivation of property unless adequate compensation is paid promptly, and for protection of pension rights of persons who are members of pension funds.

[3]

The independence and qualifications of the judiciary will be entrenched and judges will have security of tenure.

[4]

There will be an independent public services board, the members of which will have security of tenure. The board will be responsible for appointments to, promotions in and discharges from the public service.

[5]

The public service, police force, defense forces and prison service will be maintained in a high state of efficiency and free from political interference.

[6]

Pensions which are payable from the consolidated revenue fund will be guaranteed and charged on the consolidated revenue fund and will be remittable outside the country.

[7]

Citizens who at present are entitled to dual citizenship will not be deprived of their present entitlement.

[8]

The above-mentioned provisions will be set out or provided for in the constitution and will be regarded as specially entrenched provisions which may only be amended by a bill which receives the affirmative votes of not less than 78 members.

B.

It is hereby also agreed that, following the agreement set out above, the next step will be the setting up of a transitional government. The prime function of the transitional government will be:

- (a) to bring about a ceasefire, and
- (b) To deal with related matters such as:
 - (i.) The composition of the future military forces, including those members of the nationalist forces who wish to take up a military career, and the rehabilitation of others;
 - (ii.) The rehabilitation of those affected by the war.

C.

It is also hereby agreed that it will be the duty of the transitional government to determine and deal with the following matters:

- (a) The release of detainees;
- (b) The review of sentences for offenses of a political character;
- (c) The further removal of discrimination;
- (d) The creation of a climate conducive to the holding of free and democratic elections;
- (e) The drafting of the new constitution in terms of this agreement;
- (f) Procedures for registration of voters with a view to the holding of a general election at the earliest possible date.

D.

It is also hereby agreed that the transitional government will comprise an executive council and a ministerial council, and the following provisions will apply thereto:

[1]

EXECUTIVE COUNCIL

(a) Composition:

The executive council will be composed of the prime minister and three black ministers, being the heads of those delegations engaged in the negotiations. The members will take turns in presiding as chairman of the executive council in such sequence and for such period as that council may determine. Decision of the executive council will be by consensus.

(b) Functions:

(i.) The executive council will be responsible for insuring that the functions given to and the duties imposed on the transitional government by the constitutional agreement are dealt with as expeditiously as possible. It will take policy decisions in connection with the preparation and drafting of the new constitution and the other matters set out in sections B and C of this agreement and with any other matters which may arise.

(ii.) The executive council may refer the matters set out in sections B and C of this agreement, or any other matter, to the ministerial council for examination and recommendation.

(iii.) The executive council will review decisions or recommendations of the ministerial council and may confirm such decisions or recommendations or refer them back to the ministerial council for further consideration.

[2]

MINISTERIAL COUNCIL

(a) Composition:

The ministerial council will be composed of equal numbers of black and white ministers. The black ministers will be nominated in equal proportions by the heads of those delegations engaged in the negotiations. The white ministers will be nominated by the prime minister. The chairmanship of the ministerial council will alternate between black and white ministers. The prime minister will nominate which white minister shall take the chair, and the heads of those delegations engaged in the negotiations will nominate which of the black ministers shall take the chair in the sequence and for the period determined by the ministerial council.

(b) Functions:

(i.) The ministerial council will operate on the cabinet system. For each portfolio, or group of portfolios, there will be a black and a white minister who will share responsibility.

(ii.) The ministerial council will be responsible for initiating legislation and for supervising the preparation of such legislation as may be directed by the executive council.

(iii.) The ministerial council will make recommendations to the executive council on all matters referred to it by the executive council and on any other matter it thinks fit.

(iv.) Decisions of the ministerial council will be by majority vote and subject to review by the executive council.

[3]

PARLIAMENT

(a) Parliament will continue to function during the life of the transitional government and will meet for the following purposes as and when the executive council considers it should be summoned:

(i.) To pass a constitution amendment act enabling ministers who have not been elected to parliament to serve for periods in excess of four months;

- (ii.) To pass legislation for the registration of voters;
- (iii.) To pass the 1978-79 budget;
- (iv.) To enact any legislation or deal with any other matter brought forward by the transition government (e.g. for the further removal of discrimination);
- (v.) To enact the new constitution;
- (vi.) To nominate 16 whites for election by voters on the common roll to eight of the seats reserved for whites.

(b) The work of the various select committees and of the Senate Legal Committee will proceed as normal.

E.

It is also hereby agreed that independence day shall be Dec. 31, 1978.

Signed at Salisbury, this third day of March 1978.



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